

REMARKS

The present amendment is in response to the Office Action dated July 8, 2008.

In the present amendment, claims 41, 42, 45, 46, and 48 have been amended and claims 44 and 47 have been cancelled without prejudice. Accordingly, claims 41-43, 45, 46, 48 and 55-58 are pending in the present application with claims 41 and 46 being the independent claims. Reconsideration and allowance of pending claims 41-43, 45, 46, 48 and 55-58 in view of the amendments and the following remarks are respectfully requested.

A. Claim Objections

Applicant has clarified the claim language objected to by the examiner and believes that any informalities in the pending claims have been addressed. Applicant respectfully requests withdrawal of the objection.

B. Rejection of Claims 41 and 46 under 35 USC § 112

Applicant thanks the examiner for withdrawal of the prior 112 rejection.

C. Rejection of Claims under 35 U.S.C. § 103(a)

Claims 41-48 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,208,872 issued to Schmidt ("Schmidt") in view of US Patent No. 6,556,819 issued to Irvin ("Irvin"). As set forth in MPEP § 2143, in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727, 82 USPQ2d 1385, 1395-97 (2007) the Supreme Court identified a number of rationales to support a

conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The KSR Court noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

Here, Schmidt is relied upon as disclosing the majority of the claim features. The disclosure in Schmidt is directed toward a problem that is related to Applicant's invention but the problems are not the same. Additionally, the solution described by Schmidt fails to address at least a portion of the problem addressed by Applicant's invention. The addition of Irvin and Agness fail to cure this defect in Schmidt.

Schmidt discloses techniques for preventing a handset (i.e., mobile station, wireless communication device, etc.) from making a group call while the handset is roaming (C7,L38-40). Schmidt determines whether the handset is roaming based on the handset's system ID number and the physical location of the handset being inside of a predetermined geographical boundary of its home wireless communication system. Schmidt does not contemplate preventing any calls while a handset is within its home system. Thus, Schmidt fails to address this critical aspect of the problem that Applicant's claims and disclosure address. Furthermore, Schmidt, Irvin, and Agness do not disclose any reason to or means by which the disclosure in Schmidt can be modified to allow Schmidt to reasonably suggest preventing calls while the handset is within its home system.

Applicant has amended claim 41 to emphasize these differences with Schmidt. Specifically, claim 41 requires that the wireless communication device process (1) the geographic characteristic of the dialed phone number; and (2) the list of authorized and unauthorized geographic characteristics; and (3) the current physical location of the wireless communication device in order to determine if placing a call to the dialed number would accrue a charge.

Schmidt does not disclose processing these three pieces of data to make a determination about whether or not placing a call to the dialed number would accrue a charge. To the contrary, according to Schmidt, when the handset is in its home system, any call (whether incurring charges or not) is allowed. Thus, Schmidt fails to disclose that calls accruing charges are prevented. Claim 41 requires exactly this by permitting placement of a phone call to the received phone number only if placing a call to said received number would not accrue a charge.

Independent claim 46 has been amended to include similar features and Applicant therefore asserts that both independent claims 41 and 46 are presently in condition for allowance and a notice of allowance is respectfully requested. Dependent method claims 42, 43, 45 and dependent system claims 48 and 55 – 58 further refine and add limitations to their respective independent claims and therefore Applicant believes that these dependent claims are also presently in condition for allowance. Applicant respectfully requests that dependent claims 42, 43, 45, 48 and 55 – 58 also be included in the notice of allowance.

D. Conclusion

For all the foregoing reasons, allowance of claims 41-43, 45, 46, 48 and 55-58 pending in the present application is respectfully requested. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

Dated: September 23, 2008

/George W. Luckhardt/
George W. Luckhardt
Reg. No. 50,519

George W. Luckhardt
Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, California 92192-8289
Tel: (858) 882-2593
Fax: (858) 882-4221